

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BRYAN MERRILL, :  
Plaintiff, : 23-CV-7146 (JMF)  
-v- : ORDER  
MADHIVE, INC., :  
Defendant. :  
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JESSE M. FURMAN, United States District Judge:

The Complaint in this case was filed with the Court on August 11, 2023, *see* ECF No. 1, but the docket does not reflect that the Complaint was ever served on Defendant. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, Plaintiff must serve Defendant within 90 days after the Complaint is filed. Accordingly, no later than **November 9, 2023**, Plaintiff shall either file proof of service or communicate with the Court, in writing, as to why Plaintiff has failed to serve the summons and Complaint within that period.

Additionally, because there is no record that the Complaint has been served, and Defendant has not yet appeared, the initial pretrial conference currently scheduled for November 8, 2023, *see* ECF No. 2, is ADJOURNED to **December 13, 2023**, at **9:00 a.m.**

Finally, Plaintiff is directed (1) to notify Defendant's attorneys in this action by serving upon each of them a copy of this Order and (2) to file proof of such notice with the Court by **November 1, 2023**. If unaware of the identity of counsel for Defendant, counsel receiving this order must forthwith send a copy of this Order to that party personally.

SO ORDERED.

Dated: October 30, 2023  
New York, New York



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JESSE M. FURMAN  
United States District Judge